IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

WRIT PETITION No.19723 OF 1995

Between:

M.Gopal Reddy

..... PETITIONER

AND

Union of India, rep. by
General Manager,
South Central Railway,
Secunderabad, and another.

....RESPONDENTS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR

WRIT PETITION No.19723 OF 1995

O R D E R

This Writ Petition is filed with a prayer as follows:

> " ... Hon'ble Court may be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the respondents in not initiating proceedings under Land Acquisition Act for acquiring 0.05 cents in S.No.181/2A1, Tirupati Urban Mandal, Tirupati, Chittoor district as illegal arbitrary and violative of Article 300-A of the Constitution of India and consequently direct the respondents to initiate proceedings under Land Acquisition Act and pass such further or other orders as the Hon'ble Court deem fit and proper in the circumstances of the case."

The petitioner claims his father late Sri Venkata Rama Reddy to be the owner of a piece of land admeasuring Ac.0.05 cents in Sy.No.191/2A1 of Tirupati Urban, Chittoor District. It is stated in the affidavit filed in support of the writ petition that the respondents – Railway Authorities initiated proceedings for acquisition of a certain piece of land abutting the land of the petitioner and in the process, they have also encroached upon his land and constructed a well and pump house after fencing the parcel of land belonging to the petitioner. Aggrieved by the same, it appears that the petitioner made a representation to the respondents. It is alleged in the affidavit that pursuant to the representation, the respondents wanted to survey the land to ascertain the truth of the allegation made by the petitioner that he is the owner of the

land. It is further alleged that the Assistant Engineer, Pakala and the Draftsman have come to Tirupati and a joint inspection was conducted and it is asserted that the Mandal Revenue Officer concerned in his proceedings dated 30.11.1990 clearly recorded that the land belonging to the petitioner has been occupied by the respondents and hence the present writ petition.

The writ petition was filed in the year 1995. When the matter is taken up today, no counter affidavit is available on record nor is there any representation on behalf of the respondents.

In the circumstances, the allegations made by the petitioner stand unrebutted. Therefore, the writ petition is allowed as prayed for. There shall be no order as to costs.

JUSTICE J.CHELAMESWAR

29th MARCH, 2006
PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR

WRIT PETITION No.19723 OF 1995

29th MARCH, 2006